

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DIANNE KELLEY and KENNETH HANSEN,	)	
	)	No. C 07-475 MJP
Plaintiffs,	)	
	)	DECLARATION OF SANDRA
v.	)	CHIM
	)	
MICROSOFT CORPORATION, a Washington	)	
corporation,	)	
	)	
Defendant.	)	

I, Sandra Chim, hereby declare as follows:

1. I am employed by the Hewlett-Packard Company ("HP") as Manager of New Product Introductions, and I direct and oversee the marketing messaging for new PC and other consumer products. My title was Marketing Alliance Manager, North America Consumer Computing, at the time the Vista Capable program was run. I am over 18 years of age, and I have personal knowledge of the facts set forth herein.

2. Through my prior position as Marketing Alliance Manager, North America Consumer Computing, I am familiar with HP's participation in various marketing programs sponsored by companies with which we have a business relationship. One such program was Microsoft's "Windows Vista Capable" program.

3. HP participated in Microsoft's "Windows Vista Capable" program in the second half of 2006 and early 2007 and took a number of steps to inform consumers about the program and about the "Windows Vista Capable" sticker that was affixed to certain HP and

1 Compaq personal computers ("PCs"). We put this information in various forms on our web  
2 site, on product packaging, and on marketing materials.

3 4. Attached hereto as Exhibit "1" is a copy of information concerning Microsoft  
4 Windows Vista and "Windows Vista Capable" computers that appeared as least as early as  
5 the first week of September 2006 on HP's web site.

6 5. Attached hereto as Exhibit "2" is a copy of information concerning Microsoft  
7 Windows Vista and "Windows Vista Capable" computers that appeared as least as early as  
8 the middle of November 2006 on HP's web site. It is the same page as Exhibit "1," but some  
9 additional information was added.

10 6. Attached hereto as Exhibit "3" is a copy of a Frequently Asked Questions page  
11 concerning the "Express Upgrade to Windows Vista" program that appeared as least as early  
12 as January 2007 on HP's web site.

13 7. Attached hereto as Exhibits "4" and "5" are copies of information concerning  
14 Microsoft Windows Vista, "Windows Vista Capable" computers, and the "Express Upgrade  
15 to Windows Vista" program that appeared as least as early as February 2007 on HP's web  
16 site.

17 8. Attached hereto as Exhibit "6" is the product label for the HP Pavilion  
18 a1623w-b PC carrying the Windows Vista Capable logo that HP used during the Windows  
19 Vista Capable program.

20 9. Attached hereto as Exhibit "7" is the product card for the HP Pavilion a1630n  
21 PC referencing the Windows Vista Capable program and that HP used during the Windows  
22 Vista Capable program.

23 10. Attached hereto as Exhibit "8" is Windows Vista marketing messaging  
24 carrying the Windows Vista Capable logo. It appeared on the hp.com website during the  
25 Windows Vista Capable program and was "hotlinked" to some retailer websites.  
26  
27

11. Exhibits 6 through 8 are representative samples. In promoting Windows Vista Capable computers HP took care to advise consumers that not all Windows Vista features were available for use on all Windows Vista Capable PCs.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 15th day of November, 2007, at Cupertino, California.

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SANDRA CHIM